IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.5463 OF 2005

Bapurao Dattatray Gawde ...Applicant
Vs.
The State of Maharashtra ...Respondent

Shri. Rajeev Patil with Shri. V.V.Purwant for the Applicant.
Shri. R.Y. Mirza, A.P.P. for the Respondent.

CORAM : A. S. OKA, J.
DATE : AUGUST 29, 2005.

P.C.:

1. Heard the learned Counsel appearing for the Applicant and the learned A.P.P. for the State. The offence registered against the Applicant and co-accused is under sections 406, 409, 420, 467, 468, 471 read with section 34 of the Indian Penal Code. Investigation has been completed and chargesheet has been filed.

2. The Applicant is running a Fair Price Shop under the license granted by the State Government. The allegation against the Applicant and co-accused is that false and fabricated documents were created and release of quota of foodgrain was obtained.

3. The learned Counsel for the Applicant submitted that even according to the prosecution, the entire quota of foodgrain which was released in favour of the Applicant has been brought back to the Government godown. He submitted that the investigation is complete and therefore, no purpose will be served by continuing the detention of the

Applicant in connection with offences which are triable by the Judicial Magistrate, First Class.

4. The learned A.P.P. submitted that offence is of very serious nature and allegation is regarding fabrication of documents. He submitted that the second offence of similar nature is committed by the Applicant. 5. I have considered the submissions. It is not in dispute that entire quota of foodgrain which was obtained from the State Government has been returned to the State Government godown. All offences alleged against the Applicant are triable by the Court of Judicial Magistrate, First Class. Investigation is over and all the documentary evidence is in possession of the prosecution. The trial is not likely to be completed in reasonable time considering the fact that offences are triable by the learned Magistrate.

6. The specific allegation of fabrication of documents and fabrication of permits appears to be against the other co-accused.

7. A case is made out for enlarging the Applicant on bail. Hence, I pass the following order:

: O R D E R :

i) The Applicant shall be enlarged on bail in connection with **C.R.No.114 of 2005 of Phaltan Police Station,** subject to furnishing a personal bond of

Rs.25,000/- with one or two local sureties in the like amount.

ii) The Bail is granted subject to condition that the Applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

iii) The Applicant shall co-operate with the learned Trial Judge for expeditious disposal of the trial. Any attempt by the Applicant to delay the trial may be a ground for cancellation of bail.

iv) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

v) It is made clear that the observations which are made in this order are for limited purpose of considering the prayer for bail and this order will not preclude the State Government from taking appropriate action against the Applicant.

vi) Application is disposed of in above terms.

vii) The parties to act upon an authenticated copy

of this order.

JUDGE